

December 6, 2002

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Cheryl Howe  
Waste and Hazardous Materials Division  
Michigan Department of Environmental Quality  
P.O. Box 30241  
Lansing, Michigan 48909

Re: *U.S. EPA Comments on MDEQ's Draft Hazardous Waste Management Facility Operating License for the Dow Chemical Company, Midland, Michigan [MID-000-724-724] as Published for Public Comment on October 7, 2002*

Dear Ms. Howe:

On behalf of the Regional Administrator of the United States Environmental Protection Agency, Region 5 (U.S. EPA or the Agency) I submit the attached comments to the State of Michigan on the draft hazardous waste management facility operating license (Operating License or draft Permit), to be issued by the Michigan Department of Environmental Quality (MDEQ) to the Dow Chemical Company (Dow), Midland, Michigan [EPA ID No. MID-000-724-724], as published for public comment on October 7, 2002. The attached document contains comments which the Agency has determined are necessary to implement the State of Michigan's approved RCRA program requirements and would, therefore, be included in a permit were it to be issued by U.S. EPA.

These comments are submitted pursuant to the Agency's authorities found under Section 3006 of the Resource Conservation and Recovery Act, as amended, (RCRA), 42 U.S.C. § 6296, 40 C.F.R. § 271.19 and the October 9, 1998 *Memorandum of Agreement between the State of Michigan and the United States Environmental Protection Agency, Region 5* (MOA) which was entered into by the parties pursuant to 40 C.F.R. § 271.8. The authority to submit comments on RCRA TSD permits was delegated to the Director, Waste, Pesticides and Toxics Division, by Region 5 Delegation No. 8-6 dated September 3, 2002. In addition, U.S. EPA is simultaneously providing the permit applicant, Dow, with a copy of the Agency's comments as required by 40 C.F.R. § 271.19(c)

U.S. EPA thanks the State of Michigan in advance for its consideration of the Agency's comments, and U.S. EPA looks forward to a written response from the State of Michigan.

Please contact Greg Rudloff or Karl Bremer at (312) 353-0398 if you have any specific questions concerning the Agency's comments.

Sincerely,

Original Signed by Phillis A. Reed

Phyllis A. Reed, Acting Director  
Waste, Pesticides and Toxics Division

cc: Art Nash, MDEQ  
Jim Sygo, MDEQ  
George Bruchmann, MDEQ  
Liane Shekter Smith, MDEQ  
Steven Buda, MDEQ